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Commonwealth of Maſsachusetts

In Senate Sept. 23. 1793

Whereas a decision has been had in the Supreme Judicial Cou
of the United States, that a State may be Sued in the said Court
by a Citizen of another State, which decision appears to have been
grounded on the ſecond Section of the third Article in the Constitu
tion of the United States

Resolved, that a power claimed, or which may be claimed, of compelling
State to be made defendant in any Court of the United States at
the Suit of an individual or individuals is, in the opinion of th
Legislature, unneceſsary & inexpedient; & in its exercise dange
to the peace, Safety & Independence of the ſeveral States &
repugnant to the [illegible] principles of a Federal Government.

Therefore Resolved that the Senators from this State in the Congreſ
of the United States be, & they hereby are instructed, & the Repre
sentatives requested, to adopt the most ſpeedy & effectual measu
in their power to obtain such amendments in the Constitution o
the United States, as will remove any clause or article of the
said Constitution which can be construed to imply or justify a
decision that a State is compellable to answer in any Suit
an individual or individuals in any Court of the United Sta

And His Excellency the Governor is hereby requested
communicate the foregoing resolves to the Supreme Executives
of the ſeveral States, to be ſubmitted to the consideration o

Thei

(Circular)

Commonwealth of Maſsachusetts

Boston October 9

Sir,

The papers which I have the honor to
lency, contain the Speech of the late Governor, the
of the Legislature of this Commonwealth, upon a
National Government, in which each State
equally interested.

A Mandatory precept of the Supreme
of the United States, having been served by the
District of Maſsachusetts, on His Excellency John
late Governor, & James Sullivan Esqr the Attorney
the Commonwealth, directing their appearance in
to answer on the behalf of the Commonwealth, to a
filed by William Vaſsal, it became neceſsary to
lature into Seſsion: The Governor therefore, with the
of the Council, convened the General Court.

The claim of a Judiciary Authority over a
of Sovereignty, was of too much moment to be
without the most serious deliberation. The Legislat
Commonwealth has treated the subject with an
mensurate to the importance of the power deman
will please to observe by their proceedings, have
it is unneceſsary & inexpedient; & in its exercise
the Peace, Safety & independence of the
nant to the first principles of

The support of the Federal
of high importance in the mind of any

their respective Legislatures

Sent down for Concurrence
Saml Phillips Presid^t

In the House of Representatives Sept 27th 1793
Read & Concurred
Edward H. Robbins Spk^r

By the Governor
Approved Septr 27th 1793
John Hancock

True Copy
Attest
John Avery jun Sec^y

the Union; but it is easily discerned, that the power claimed, if once established, will extirpate the federal Principle, & procure a consolidation of all the Governments —

The resolutions of the Legislature made it the duty of the late Governor, to communicate their proceedings on this ſubject, to the Governors of the ſeveral States; but the melancholly event of his death intervening, it becomes my duty, as Lieut. Governor of the Commonwealth, to make the communication: And I do it with great cheerfulneſs, because my opinion fully accords with the determination of the Legislature, who have requested it —

As this is a question of so interesting a nature, & in which all the States are equally concerned, there ſeems to be a propriety in a free communication of their ſentiments upon it: And it is hoped that, when the Legislature of the State, over which you have the honor to preside, ſhall be in Seſsion, & contemplate the importance of the ſubject, this Commonwealth will find itſelf greatly ſupported by the Wisdom of their measures, & their ſalutary & candid advice —

I have the honor to be,

Sir,

With great Respect & Esteem,

Your Excellency's

Very Hble Servt.

Saml Adams

His Excellency Thomas Chittenden Esqr.

Albany October 14th 1793.

Sir

The Legislature of the state of New York has incorporated a company for the purpose of opening a canal and lock navigation from the tide of water of Hudsons river to Lake Champlain. If the object of the Institution is completed the most extensive benefits will result as well to the citizens of Vermont as to those of this state, the works have been commenced and were progressing with a pleasing celerity, when they were arrested by the defalcation of many of the Stockholders who neglected making payment of the Second requisition of twenty five dollars on each share, assigning for reason, that as only 672 shares had been subscribed and the estimated expence amounting to 225000 dollars, each share would amount to about 335 dollars, this, especially those who held many shares, conceived would be beyond their means. They have however since generally made the required payment intending to sollicit further aid from the Legislature of this state, either by an additional donation to the company, or by taking an extensive number of shares in the Stock, and there is little doubt but that relief will be obtained in one or other of these ways.

The directors have been advised that it was probable the Legislature of Your state would contribute to this important undertaking, and have requested me to make the above communication, — should aid be extended by your state Your Excellency will pardon the liberty I take in suggesting the ~~made~~ stipulations which appear to me proper to accompany any free gift and which will secure its application to such part of the improvements in which the citizens of Vermont are more immediately interested.- and such are, that the gift should exclusively appropriated to clearing, straitening and deepening Wood Creek, from the canal and locks now constructing at Skensborough to that part of the said creek where it will be intersected by a canal to be drawn from Hudsons river near Fort Edward ~~[illegible]~~ and that the improvements should be made on such a scale as to admit the passage of vessels of fifty feet in length ten in breadth, and to draw at least two feet of water, and that if the whole gift is not expended in this improvement the residue to be laid out on the canal to Hudsons river aforesaid,- but if the legislature should prefer to direct the subscription of a number of shares, then nothing more will be necessary than to make provision for the payment of fifty dollars on each share, being the sum paid by the original subscribers, and to direct the payment of such future requisitions as the directors may call for on each share, in a general requisition upon all the stock holders,-

If aid is extended to the company in either way, by the legislature of York state and by this, I am perfectly confident that the improvements may be completed in five years to carry vessels of the burthen abovementioned, and even larger, from Lake Champlain to the town of Troy.- It is certainly needless to detail the advantages which will be derived to the community from a completion of the contemplated work, they will readily occur to your

Excellency and to the enlightened legislature of the state in which you preside, —

I have the honor to be with great regard

Sir

Your Excellency's

Most Obedient Servant

Ph: Schuyler

His Excellency Governor Chittenden &c &c

Gen.l Schuyler's communication

In General Assembly

Nov.r 1st 1793

Read & referred to Mess.rs Hitchcock, Farrand, Woodbridge, Lyon, & E Robinson to join such Com.e as the Council shall appoint.

Att.r R. Whitney Clerk.

In Council 1.st Nov.r 1793

Resolved that Mess.rs Safford & Marvin join the above Committee.

Attest J. Fay Secy

Your Committee to whom was refered the consideration of ~~the~~ Gen.l Schylers letter report that the legislature take measures to direct the purchase of 20 shares in the Company for the use of this State ~~at present~~

Sam.l Safford for Comt.ee

~~In General Assembly Nov.r 4th 1793. That the letter together with the Report be referred to the next session of the general a~~

In General Assembly Nov.r 4th 1793.

The Report of the committee was read — and that together with the letter referred to the next session of the General Assembly — Att.r Richard Whitney Clerk

Windsor Oct. 20th 1793

Mr Speaker,

You will please to communicate to the Honble the House of Representatives — that in pu of their Resolution passed at Rutland in Oct. La requiring me to appear before the Circuit Court of the United States and defend in behalf of the State Agt. a Suit brought by Ira Allen Esqr — I prepared myself for a defence in the said Cause but by reason of my ill State of health, I was unable to attend at the sitting of the said Court, which circumstance induced me to appoint Darius Chipman Esqr to take charge of the Suit, who attended and prevented the Entry of the action, for which Services he has charged Eight Dollars, and looks to me for the payment — the House will please to direct whether they will discharge Mr Chipman's acct. for his Services.

I am Sir
Respectfully yours
Isaac Tichenor

To Daniel Buck Esqr
Speaker of the House of
Representatives of the
State of Vermont

The Hon.ble
Daniel Buck
Speaker of the House of
Representatives of the
State of Vermont &c
&c

Letter from Isaac Tichenor Esq.
In Genl. Assembly Octr. 25th 1793.
Read and referred to Messrs.
Lynde, Williams and
E Robinson
Attr. R Whitney Clerk

Albany October 21st 1793

I John McKeſson Clerk of the Honorable House of Aſsembly of the State of New York, and Clerk of the Supreme Court of Judicature of the same State do certify that in the Course of the last Seſsion of the Legislature of the State of New York a Letter from his Excellency Thomas Chittenden Governor of the State of Vermont to his Excellency George Clinton Governor of the State of New York, enclosing a Petition from the Trustees of Burlington College in the state of New York to the Honorable the Legislature of the State of Vermont praying a grant of a Township of unappropriated Land for the Benefit of the said College, was sent to the said Aſsembly by his Excellency Governor Clinton with a Meſsage recommending the said Petition, and that the said Petition and meſsage were committed to a Committee, who in Substance reported that the object of the said Petition deserved encouragement and Attention, but as the Seſsion was far advanced and expected soon to close, the Consideration o the said Petition and Report was postponed until the next Seſsion of the Legislature — I think this was by the unanimous Consent of the House — The Report is entered at Length on the Journal of the Aſsembly —

Given under my Hand At Albany the Twenty first day of October 1793

John McKeſson

Windsor — Novr. 5th 1793

Then certify that a letter from the honl. Philip Schuyler addressed to his Excellency Thomas Chittenden Esqr. Governor of the State of Vermont relative to "opening a canal and lock navigation from the tide of the water of Hudson's river, to Lake Champlain" was laid by his Excellency before the honourable the General Assembly, at their Session in October last —

Which said Letter was referred by the House to a committee of five, f[illegible] from the House, who joined a Committee from Council — who reported, as follows. "That the Legislature take measures to direct the purchase of twenty shares in said company for the use of this State" — which report was accepted and referred to the next Session of the General Assembly —

Given under my hand at Windsor, this fifth day of October, Anno Domini one thousand seven hundred and ninety three —

Richard Whitney Clerk of the Genl. Assembly